

SCOTTSDALE

CITY COUNCIL MEETING



***** AMENDED *** MEETING NOTICE AND AGENDA**

[ADDED CONSENT ITEM NO. 12A]

COUNCIL

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

Wednesday, August 31, 2016

Unless an exception is made, or unless otherwise noted:

Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment). The Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (September 13, 2016).

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:02 P.M.

Roll Call – All present

One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).

Pledge of Allegiance – Junior Girl Scout Troop 2245, Leader Amanda Crisalli

Invocation – Pastor David Joynt, Valley Presbyterian

Mayor's Report – None

Presentations/Information Updates – Presentations from Human Services Director Greg Bestgen and Human Services Representatives Rosa Pinedo and Eugenio Munoz-Villafane

- **Back-to-School Event**

Presenter(s): Greg Bestgen, Human Services Director

Public Comment – Darlene Petersen asked the City to clean up the street debris, particularly nails, from the construction projects in her neighborhood.

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

FOR ADDITIONAL INFORMATION VISIT: WWW.SCOTTSDALEAZ.GOV/COUNCIL/MEETING-INFORMATION

CONSENT AGENDA ITEMS 1-12A

How the Consent Agenda Works: The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

– Councilmember Korte made a motion to approve Consent Agenda Items 1 through 12A, absent Item 7, which was moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0.

1. **[Enterprise Rent-A-Car Conditional Use Permit \(38-UP-1991#2\)](#) – **Approved on consent.**
Request: Find that the conditional use permit criteria have been met and adopt
Resolution No. 10544 amending and eliminating obsolete stipulations of existing Conditional Use Permit No. 38-UP-1991 for vehicle leasing, rental, or sales on a 1.07± acre site with Highway Commercial District (C-3) zoning.
Location: 1815 N. Scottsdale Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
2. **[AT&T CMC Golf – Site No. W384-BB Conditional Use Permit \(6-UP-2011#2\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met, and adopt
Resolution No. 10543 approving a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication Facility concealed within a 55-foot-tall artificial palm tree, with associated ground mounted equipment, with Industrial Park (I-1) zoning.
Location: 15695 N. 83rd Way
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
3. **[Sixt Rent a Car at Scottsdale Seville Conditional Use Permit \(2-UP-2016\)](#) – **Approved on Consent.**
Request: Find that the conditional use permit criteria have been met, and adopt
Resolution No. 10545 approving a Conditional Use Permit for vehicle leasing, rental, or sales within an existing suite at the Seville retail center on a 11.5± acre site with Central Business District, Parking P-4 District (C-2/P-4) zoning.
Location: 7001 N. Scottsdale Road, Suite #E-195
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**
4. **[City of Scottsdale Fire Station 613 Municipal Use Master Site Plan \(1-UP-2016\)](#) – **Approved on Consent.**
Request: Adopt **Resolution No. 10546** approving the Municipal Use Master Site Plan for a new City fire station on a 11.4± acre site with Single-Family Residential, Environmentally Sensitive Lands and Foothills Overlay (R1-43 ESL FO) zoning.
Location: 26380 N. Hayden Road
Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov**

5. **McIntosh Abandonments (5-AB-2016) – Approved on Consent.**

Request: Adopt **Resolution No. 10528** authorizing the abandonment of the 33-foot General Land Office Patent Easement on the western boundary of the property, and abandoning the western 5 feet of the Roadway Easement located along N. 124th Street, leaving a 35-foot half-street of right-of-way for a property with Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.

Location: 10300 N. 124th Street

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

6. **Parcel 12A of McCormick Ranch Center Ordinance Adoption Rezoning (65-ZN-1982#2) – Approved on Consent.**

Request: Adopt **Ordinance No. 4270** affirming Case No. 65-Z-82 for a Zoning District Map Amendment from General Commercial Planned Community (C-4 PCD) zoning to Highway Commercial Planned Community (C-3 PCD) zoning and a Development Plan pertaining to Parcel 12A of the McCormick Ranch Center PCD on a 21.44± acre site.

Location: 8880, 8890, 8912, and 8922 E. Via Linda; 9350, 9380, and 9396 N. 90th Street; and 8919 E. San Victor Drive

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

7. **Christian Bros Automotive-Scottsdale Rezoning and Conditional Use Permit (21-ZN-2015 and 14-UP-2015)**

– Presentations from Planner Meredith Tessier and Applicant Representatives Sake Reindersma and Jonathan Wakefield.

– Councilwoman Klapp made a motion to adopt Ordinance No. 4269 approving a Zoning District Map Amendment to amend the Development Plan by eliminating all zoning stipulations from Zoning Case No. 44-Z-88 with Highway Commercial, Planned Community District (C-3 PCD) zoning; find that the conditional use permit criteria have been met; and adopt Resolution No. 10527 approving a conditional use permit for vehicle repair. Councilwoman Milhaven seconded the motion, which carried 6/1, with Councilman Phillips dissenting.

Requests:

1. Adopt **Ordinance No. 4269** approving a Zoning District Map Amendment to amend the Development Plan by eliminating all zoning stipulations from Zoning Case No. 44-Z-88 on a 1.33± acre site with Highway Commercial, Planned Community District (C-3 PCD) zoning.
2. Find that the conditional use permit criteria have been met, and adopt **Resolution No. 10527** approving a Conditional Use Permit for Vehicle Repair on a 1.33± acre site with Highway Commercial, Planned Community District (C-3 PCD) zoning.

Location: 11416 E. Desert Cove Avenue

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

8. **Paseo De Las Flores Non-Major General Plan Amendment and Rezoning (2-GP-2016 and 4-ZN-2016) – Approved on Consent.**

Requests:

1. Adopt **Resolution No. 10547** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map to change the land use designation from Office to Commercial on a 2.64± acre site.
2. Adopt **Ordinance No. 4272** approving a Zoning District Map Amendment to amend the Planned Community (P-C) zoning district from comparable Single-Family Residential (R1-7) zoning uses and property development standards to comparable Neighborhood Commercial (C-1) zoning uses and property development standards and amend the McCormick Ranch Master Development Plan to modify access and site plan on a 2.64± acre site.

Location: 7300 N. Via Paseo Del Sur

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

9. **Scottsdale Museum of the West Budget Contingency Transfer – Approved on Consent.**

Request: Adopt **Resolution No. 10468** to authorize:

1. A FY 2016/17 Tourism Development Fund Operating Contingency Budget Appropriation transfer not to exceed \$119,372 to the Capital Improvement Plan, and the creation of a new capital project to be titled Scottsdale's Museum of the West Permanent Hopi Pottery Gallery for the construction, build out, and completion of the new exhibition gallery for the Hopi ceramic collection.
2. A FY 2016/17 Tourism Development Fund Operating Contingency Budget transfer in the amount of \$380,628 to the Tourism and Events Department operating budget to pay Scottsdale Museum of the West, Inc., for collection curation services, exhibition delivery, and marketing and promotion of the new exhibit per Contract No. 2013-025-COS-A3.

Staff Contact(s): Karen Churchard, Tourism and Events Director, 480-312-2890, kchurchard@scottsdaleaz.gov

10. **School Resource Officer Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10536** authorizing Agreement No. 2016-138-COS with Cave Creek Unified School District for the provision of a Scottsdale Police Officer to serve as a School Resource Officer.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdale.gov

11. **Animal Care and Control Services Intergovernmental Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10539** authorizing Agreement No. 2012-030-COS-A1 with Maricopa County in the amount of \$173,000 per year for the provision of animal care and control services.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdale.gov

12. **Open Data Policy and Program – Approved on Consent.**

Request: Adopt **Resolution No. 10548** establishing an open data policy and directing the City Manager to establish an open data program.

Staff Contact(s): Brian Biesemeyer, Acting City Manager, 480-312-5683, bbiesemeyer@scottsdaleaz.gov

***12A. **Internal Revenue Service Settlement Agreement – Approved on Consent.**

Request: Adopt **Resolution No. 10565** to authorize:

1. The City Manager to enter into a settlement in the amount of \$750,853.39 with the Internal Revenue Service regarding its disputed assertion that interest on a portion of the City of Scottsdale Municipal Property Corporation Excise Tax Revenue and Refunding Bonds-Series 2013 CUIISP No. 810489 is taxable.
2. The City Treasurer to make a budget transfer in the amount of \$750,853.39 from the adopted FY 2016/17 General Fund Operating Contingency to the City Attorney's operating budget to fund payment of the settlement.

Staff Contact(s): Bruce Washburn, City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov
– **City Attorney Bruce Washburn presentation.**

REGULAR AGENDA **ITEM 13**

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time **may** be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

13. [Medical Marijuana Text Amendment \(8-TA-2010#3\)](#)

Request: Adopt **Ordinance No. 4271** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Use and Medical Marijuana Caregiver Cultivation, including revisions to separation requirements and addition of protected uses.

Presenter(s): Bryan Cluff, Sr. Planner

Staff Contact(s): Randy Grant, Planning and Development Services Director, 480-312-2664, rgrant@scottsdaleaz.gov

– **Senior Planner Bryan Cluff presentation.**

– **Councilman Phillips made a motion to adopt Ordinance No. 4271 Medical Marijuana Text Amendment 8-TA-2010#3. Vice Mayor Littlefield seconded the motion, which carried 7/0.**

Public Comment – None

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

CITIZEN PETITIONS

ITEM 14

Citizen Petitions: This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

14. **Receipt of Citizen Petitions – None**

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

MAYOR AND COUNCIL

ITEM 15

15. **Boards, Commissions, and Task Force Nominations (Note: Interviews and appointments scheduled for September 13, 2016)**

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Airport Advisory Commission (*three vacancies*) – **Councilman Phillips nominated John Berry and Cory Little; Councilman Smith nominated Kevin Maxwell, Charles McDermott, and Renee Wittrock; Mayor Lane nominated John Berry and Kevin Maxwell; and Vice Mayor Littlefield nominated Larry Brow, Charles McDermott, and Cory Little.**

Building Advisory Board of Appeals (*four vacancies*) – **Councilman Smith nominated Scott Rothman.**

Human Relations Commission (*two vacancies*) – **Councilmember Korte nominated Laurie Coe and Janice Shimokubo, Mayor Lane nominated Susan Mellinger, Councilwoman Klapp nominated Nadia Mustafa and Stuart Rhoden, and Vice Mayor Littlefield nominated Laurie Coe and Janice Shimokubo.**

Human Services Commission (*one vacancy*) – **Mayor Lane nominated Edmund Portnoy, Councilwoman Klapp nominated Greg Pierce, Councilwoman Milhaven nominated Jayne Hubbard, Vice Mayor Littlefield nominated Mark Culbertson, and Councilmember Korte nominated Robert Jones.**

Judicial Appointments Advisory Board (*one citizen vacancy*) – **Councilwoman Klapp nominated Sandra Schenkat.**

Library Board (*one vacancy*) – **Councilwoman Milhaven nominated Patricia Bauer, Vice Mayor Littlefield nominated Joseph Rubin, Councilman Phillips nominated Barbara Truelick, Councilman Smith nominated Sheila Collins, and Councilwoman Klapp nominated Sheila Reyman.**

Loss Trust Fund Board (*two vacancies*) – **Vice Mayor Littlefield nominated Russell Mosser.**

Neighborhood Advisory Commission (*two vacancies*) – **Councilman Phillips nominated Joe Meli and Carol Miraldi, Councilman Smith nominated Kay Sperduti, Mayor Lane nominated Anne Marie Chiappetta, and Vice Mayor Littlefield nominated Rachel Putman.**

Tourism Development Commission (*one hotelier vacancy*) – **Councilman Smith nominated Frank Ashmore.**

Note: The only Council action to be taken on Item No. 15 is to select nominees for interviews and appointment consideration at a future Council meeting. No public comment will be taken on this item.

Adjournment – 6:23 P.M.